

Leave to file GRANTED

Ernest S. Sullivan
United States District Judge

9-28-2020

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

MICHAEL T. FLYNN,

Defendant.

Case No. 17-cr-00232-EGS

MOTION FOR LEAVE TO FILE BRIEF *AMICUS CURIAE* OF
CITIZENS UNITED,
CITIZENS UNITED FOUNDATION, AND
THE PRESIDENTIAL COALITION, LLC
IN SUPPORT OF MOTION TO DISMISS

Jeremiah L. Morgan (D.C. Bar No. 1012943)
William J. Olson (D.C. Bar No. 233833)
Herbert W. Titus
Robert J. Olson (D.C. Bar No. 1029318)
William J. Olson, P.C.
370 Maple Ave. W., Ste. 4
Vienna, VA 22180-5615
(703) 356-5070
wjo@mindspring.com
Counsel for *Amici Curiae*

Dated: June 10, 2020

MOTION FOR LEAVE TO FILE BRIEF *AMICUS CURIAE*

The movants, Citizens United, Citizens United Foundation, and The Presidential Coalition, LLC through undersigned counsel, pursuant to F.R.Civ.P. 7 and Rule 7(o) of the local rules of this Court and this Court's Minute Order of May 19, 2020, hereby request leave of this Court to file their Brief *Amicus Curiae* in Support of the government's Motion to Dismiss in the above-captioned action.

The grounds in support of this motion are as follows:

1. Movant Citizens United is exempt from federal income taxation under section 501(c)(4) of the Internal Revenue Code ("IRC"). Movant Citizens United Foundation is exempt from federal income taxation under IRC section 501(c)(3). Movant The Presidential Coalition, LLC is a political committee under IRC section 527. These *amici* have filed many *amicus* briefs in important federal and state cases. This case presents questions of great importance concerning the separation of the powers and the law governing the procedures for termination of a criminal proceeding found to be baseless.

2. Citizens United, Citizens United Foundation, and The Presidential Coalition's *Amicus Curiae* Brief is timely. This Court directed former Judge John Gleeson to file an *amicus curiae* brief in this case by noon on Wednesday, June 10, 2020. Any non-court appointed *amicus* is to file a motion requesting leave to file an *amicus curiae* brief by that same deadline. In all other respects, the attached *Amicus Curiae* Brief complies with the Local Civil Rules, including with respect to content and form, Fed. R. App. P. 29(a)(4), and with respect to length, complies with Local Civil Rule 7(o)(4).

3. The brief submitted with this motion by these *amici curiae* addresses the significant issues raised by the Court's May 19, 2020 Order and the government's Motion to Dismiss and

makes arguments not raised by that motion or by other *amici*. *Amici* believe that the perspective of these *amici* will assist the Court's ruling in this case.

WHEREFORE, the movants, *amici curiae* Citizens United, Citizens United Foundation, and The Presidential Coalition, LLC, pray that their motion be granted and that they be given leave to file their Brief *Amicus Curiae* in Support of the Motion to Dismiss in this matter.

Respectfully submitted,

/s/ Jeremiah L. Morgan

Jeremiah L. Morgan (D.C. Bar No. 1012943)

William J. Olson (D.C. Bar No. 233833)

Herbert W. Titus

Robert J. Olson (D.C. Bar No. 1029318)

William J. Olson, P.C.

370 Maple Ave. W., Ste. 4

Vienna, VA 22180-5615

(703) 356-5070

wjo@mindspring.com

Counsel for *Amici Curiae*

Dated: June 10, 2020